

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS**

INITIAL STATEMENT OF REASONS

Hearing Date: No Hearing Scheduled

Subject Matter of Proposed Regulations: Seal, Signature, and Address Change

(1) Section(s) Affected: Amend Sections 411, 412, 3008, and 3009 of Title 16, Division 5 and Division 29 of the California Code of Regulations (CCR).

Specific Purpose of each adoption, amendment, or repeal:

Seal and Signature

Amend section 411 to remove the term 'opaque,' which is vague and unnecessary. Amend section 3008 to match section 411 and provide consistency among all three Acts since section 3008 and section 411 both relate to the information required of, and describing the contents of, a licensee's signature and stamp.

Address Change

Amend sections 412 and 3009 to add language and specify that address "of record" changes must be made "in writing" within 30 days.

1. Problem being addressed: The purpose is to ensure that the seal and signature are displayed accurately and correctly by licensed individuals of the Board. Changes to law are making the definition more clear. Additionally, the address change is being amended to provide commonality between all the Acts. The additions will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.
2. Anticipated benefits from this regulatory action: Staff is proposing regulation amendments to the seal, signature, and address change in order to create conformity between the Professional Engineers Act, Professional Land Surveyors Act, and Geologist and Geophysicists Act so that the regulation of the profession and safeguarding the consumer can be consistent at the Board.

Factual Basis/Rationale

In October 2009, the Board assumed the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics from the Board for

Geologists and Geophysicists. This regulation will assist the Board, its licensees, and the consumers of California in achieving this goal. It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary in order to carry out its mission and vision.

The additional information being added to section 3008 to match section 411 will formalize and document policies already utilized by the Geologist and Geophysicist Program, and previously used by the former Board for Geologists and Geophysicists, and will clarify and detail the information that is required to be in the seal. This additional information will not task the licensees with any additional work and will not require the licensee to expend any additional money to comply with the proposed rulemaking.

Amending section 3009 to match section 412 and having the change being made in writing allows our office to keep documentation of all address changes. Section 3009 would be amended to add language and specify, similar to Section 412, that address “of record” changes must be made “in writing” within 30 days. The timeframe of 30 days is being amended from 60 days to be consistent with Section 412 and because 60 days is an excessive amount of time to notify the licensing Board of an address change, and negatively impact a consumer’s ability to contact the licensee.

Underlying Data

Technical, theoretical or empirical studies, reports, or documents relied upon:

1. Board for Professional Engineers, Land Surveyors, and Geologists 2011-2014 Strategic Plan, Strategic Goals 2 and 2.1.
2. Agenda Item 10B (i & ii) - Proposed Amendments to Divisions 5 and 29 of Title 16 of the California Code of Regulations, as follows: Sections 411 and 3008 – Seal and Signature, Sections 412 and 3009 – Address Change.
3. Minutes from the March 8/9, 2012 Board Meeting.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony: This rulemaking proposal will not task the licensees with any additional work and will not require the licensee to expend any additional money.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it is merely clarifying enforcement requirements to be licensed by the Board.

- It will not create new business or eliminate existing businesses within the State of California because businesses are not licensed by the Board.
- It will not affect the expansion of businesses currently doing business within the State of California because businesses are licensed by the Board.
- This regulatory proposal benefits the health and welfare of California residents because it clarifies requirements for licensure that safeguards the public health, safety and welfare of consumers.
- This regulatory proposal benefits worker safety because it guarantees that workers shall be compliant with all laws and regulations according to Board statutes and regulations.
- This regulatory proposal does not affect the state's environment because the proposal is not making any changes to the state's environment.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- Continue to support dissimilar seals, signature's, and address on file between the Acts. This goes against the Board's mission to safeguard the life, health, property, and welfare of the public.
- Require changes to seal, signature, and address change without regulatory authority. The Board cannot operate without regulatory authority.
- Exemption or partial exemption from the regulatory requirements for licensees. The Board cannot regulate the professions it licenses if those licensed individuals are allowed to be excused from regulatory requirements.